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EXAMINER

HASHEM, LISA

ART UNIT	PAPER NUMBER
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2614

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/776,500	Applicant(s) MINBORG ET AL.	
	Examiner LISA HASHEM	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1-9, 11.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of claims 1-9 in the reply filed on 9-15-2008 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claim 10 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 9-15-2008.
3. Claims 1-9 and 11 are pending in this application and are presented below for prosecution.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claim 3 recites the limitations "that network" in line 7 and "that other network" in line 8. There is insufficient antecedent basis for these limitations in the claim.
6. Claim 4 recites the limitations "that network" in line 7 and "the network" in line 8. There is insufficient antecedent basis for these limitations in the claim.
7. Claim 8 recites the limitation "the subscriber in question" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-4, 6, 8, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,353,660 by Burger et al, hereinafter Burger.

Regarding claim 1, Burger discloses a method of providing data objects (i.e. resources including pop-up windows and messages) (col. 7, lines 26-33 and 52-60; col. 10, lines 1-29) to user communication applications or terminals (i.e. computers or telephones) of subscribers in connection with subscribers (i.e. callers) establishing communication events (i.e. calls) with other subscribers (i.e. subscribers or called parties) (col. 4, line 24 – col. 5, line 32), in a network (Fig. 2) comprising both subscribers (Fig. 2: subscriber (86), caller (82)) with autonomous type user communication applications or terminals (i.e. computer; Fig. 2: 106, 162) that comprise functionality for client based retrieval of data objects (col. 4, line 42 – col. 5, line 2; col. 5, lines 17-31) and also subscribers (Fig. 2: subscriber (86), caller (82)) with network type user communication applications or terminals (i.e. telephone; Fig. 2: 104, 88) that rely on functionality in the network to provide for retrieval of data objects (col. 4, lines 24-34 and 42-45), characterized in that the method comprises the following steps:

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associating a type of user communication application or terminal (i.e. computer or telephone) with at least one subscriber (Fig. 2: subscriber (86), caller (82)) of the network (Fig. 2) (col. 4, lines 24-34; col. 4, line 42 – col. 5, line 2; col. 5, lines 17-31);

determining an occurrence of a triggering event (i.e. caller places a call to a subscriber by dialing a public telephone number) indicating a communication event (i.e. call) between two subscribers (Fig. 2: subscriber (86), caller (82)) (col. 4, lines 24-27; col. 7, lines 4-6; col. 11, lines 1-6);

upon determination of a triggering event (i.e. receiving the call at an enhanced services platform (ESP) (Fig. 2, 60)), the network providing data object retrieval only to the subscribers with network type user communication applications or terminals (i.e. telephone; Fig. 2: 104, 88) (col. 6, line 61 – col. 7, line 33; col. 8, lines 4-10 and 27-43).

Regarding claim 2, the method according to claim 1, characterized in that Burger discloses the method further comprises the step of:

associating a user communication application or terminal capability (i.e. computer or telephone) with at least one subscriber (Fig. 2: subscriber (86), caller (82)) of the network (Fig. 2) (col. 4, lines 24-34; col. 4, line 42 – col. 5, line 2; col. 5, lines 17-31);

and in that the step of the network providing data object retrieval only to the subscribers with network user communication applications or terminals (i.e. telephone; Fig. 2: 104, 88) (col. 6, line 61 – col. 7, line 33; col. 8, lines 4-10 and 27-43), provides data retrieval (i.e. pop-up window, audio message, second call via PSTN) in view of an associated user communication application or terminal capability (i.e. computer or telephone) of the subscriber (col. 6, line 61 – col. 7, line 33; col. 8, lines 4-10 and 27-43).

Regarding claim 3, the method according to claim 1 or 2, characterized in that Burger discloses the method further comprises the steps of:
associating a functionality type of network with at least one other network (i.e. packet-based network; Fig. 2, 24), if the other network comprises a functionality according to claim 1;
determining if a subscriber (Fig. 2: subscriber (86), caller (82)) involved in the communication event (i.e. call) belongs to another network (i.e. packet-based network) or not and if the subscriber belongs to another network (i.e. packet-based network), then determining if that network is associated with the functionality type of network (i.e. packet-phone procedure; pop-up window), and if it is then letting that other network provide for the functionality according to claim 1 (col. 4, line 42 – col. 5, line 2; col. 5, lines 17-31).

Regarding claim 4, the method according to claim 1 or 2, characterized in that Burger discloses the method further comprises the steps of:
associating a functionality type of network with at least one other network (i.e. packet-based network; Fig. 2, 24), if the other network comprises a functionality according to claim 1;
determining if a subscriber (Fig. 2: subscriber (86), caller (82)) involved in the communication event (i.e. call) belongs to another network (i.e. PSTN) or not and if the subscriber belongs to another network (i.e. PSTN), then determining if that network is associated with the functionality type of network (i.e. packet-phone procedure; pop-up window), and if it is not then the network providing data object retrieval (i.e. audio messaging; setting up a second call) to the subscriber in question (col. 6, line 61 – col. 7, line 33; col. 8, lines 4-10 and 27-43).

Regarding claim 6, the method according to claim 4, characterized in that Burger discloses the method further comprises the step of:

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only providing data objects of an audio nature (i.e. audio messaging; setting up a second call) to subscribers belonging to other networks (col. 6, line 61 – col. 7, line 33; col. 8, lines 4-10 and 27-43).

Regarding claim 8, the method according to claim 1, characterized in that Burger discloses the step of the network providing data object retrieval comprises the step of: requesting a data holder (i.e. ESP; Fig. 2, 60) to provide a data object to the subscriber in question (col. 6, line 61 – col. 7, line 33; col. 8, lines 4-10 and 27-43).

Regarding claim 9, Burger discloses a filtering server (i.e. enhanced services platform (ESP) (Fig. 2, 60); col. 8, line 48 – col. 9, line 67) of a communication network (Fig. 2) arranged to provide data objects (i.e. resources including pop-up windows and messages) (col. 7, lines 26-33 and 52-60; col. 10, lines 1-29) to user communication applications or terminals (i.e. computers or telephones) of subscribers in connection with subscribers (i.e. callers) establishing communication events (i.e. calls) with other subscribers (i.e. subscribers or called parties) (col. 4, line 24 – col. 5, line 32), the communication network (Fig. 2) comprising both subscribers (Fig. 2: subscriber (86), caller (82)) with autonomous type user communication applications or terminals (i.e. computer; Fig. 2: 106, 162) that comprise functionality for client based retrieval of data objects (col. 4, line 42 – col. 5, line 2; col. 5, lines 17-31) and also subscribers (Fig. 2: subscriber (86), caller (82)) with network type user communication applications or terminals (i.e. telephone; Fig. 2: 104, 88) that rely on functionality in the network to provide for retrieval of data objects (col. 4, lines 24-34 and 42-45), characterized in that the filtering server is arranged to:

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associate a type of user communication application or terminal (i.e. computer or telephone) with subscribers (Fig. 2: subscriber (86), caller (82)) of the network (Fig. 2)) of the network (col. 4, lines 24-34; col. 4, line 42 – col. 5, line 2; col. 5, lines 17-31);

determine an occurrence of a triggering event indicating a communication event (i.e. caller places a call to a subscriber by dialing a public telephone number) indicating a communication event (i.e. call) between two subscribers (Fig. 2: subscriber (86), caller (82)) (col. 4, lines 24-27; col. 7, lines 4-6; col. 11, lines 1-6);

upon determination of a triggering event (i.e. receiving the call at an enhanced services platform (ESP) (Fig. 2, 60)), to provide data object retrieval only to the

subscribers with network type user communication applications or terminals (i.e. telephone; Fig. 2: 104, 88) (col. 6, line 61 – col. 7, line 33; col. 8, lines 4-10 and 27-43).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being obvious over Burger, as applied to claims 4 and 1, respectively, and in further view of U.S. Pat. No. 6,977,909 by Minborg.

The applied reference ‘Minborg’ has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention “by another”; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

Regarding claim 5, the method according to claim 4, characterized in that Burger does not disclose the method further comprises the step of:
only providing data objects of a text nature to subscribers belonging to other networks.

Minborg discloses a method of providing data objects (i.e. phonepages) to user communication applications or terminals (i.e. devices; Fig. 1: 100, 150; col. 5, lines 17-23) of subscribers in connection with subscribers (i.e. A-party; col. 5, lines 61-66) establishing communication events with other subscribers (i.e. B-party; col. 5, line 61 – col.6, line 4), in a network (Fig. 1; col. 4, line 57 – col. 5, line 17) comprising both subscribers (i.e. A-party caller or B-party) with autonomous type user communication applications or terminals (i.e. mobile station; Fig. 1, 100; class A mobile station) that comprise functionality for client based retrieval of data objects (col. 9, lines 17-30; col. 9, line 42 – col. 10, line 10; col. 19, lines 16-38) and also subscribers (i.e. A-party user or B-party user) with network type user communication applications or terminals (i.e. POT telephone (Fig. 1, 150); class B type mobile station) that rely on functionality in the network to provide for retrieval of data objects (col. 9, lines 31-41; col. 18, line 41 – col. 19, line 15), characterized in that the method comprises the following steps:
associating a type of user communication application or terminal (i.e. class A telephone or class B telephone) with at least one subscriber (i.e. A-party caller or B-party user) of the network (col. 9, lines 17-41; col. 9, line 42 – col. 10, line 10; ; col. 18, line 41 – col. 19, line 38);
determining an occurrence of a triggering event (i.e. incoming call) indicating a communication event between two subscribers (i.e. A-party caller and B-party user) (col. 5, lines 61-66; col. 6, line 65 - col. 7, line 3);

upon determination of a triggering event (i.e. connecting to a data object server; Fig. 1, 130), the network providing data object retrieval only to the subscribers with autonomous type user communication applications or terminals (i.e. class A mobile station; Fig. 1, 100) (col. 5, line 61 – col. 6, line 10; col. 6, line 65 – col. 7, line 30; col. 9, lines 16-38).

Minborg further discloses associating a functionality type of network with at least one other network (i.e. packet switched; Fig. 1, 172), if the other network comprises a functionality; determining if a subscriber (i.e. A-party user) involved in the communication event (i.e. call) belongs to another network or not and if the subscriber belongs to another network (i.e. other packet data network), then determining if that network is associated with the functionality type of network (i.e. packet switched communication), and if it is not then the network (i.e. other packet data network) providing data object retrieval (i.e. SMS) to the subscriber in question (col. 5, lines 3-10; col. 6, lines 11-15) and only providing data objects of a text nature (i.e. SMS) to subscribers belonging to other networks (col. 6, lines 11-15).

Again, Burger discloses the claimed method except Burger does not disclose providing data objects of a text nature to subscribers belonging to other networks. However, the claimed providing data objects of a text nature to subscribers belonging to other networks was old and well known in the art. Minborg clearly teaches such concept.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Burger to include providing data objects of a text nature to subscribers belonging to other networks as taught by Minborg. In other words, one of ordinary skill in the art would have been lead to make such a modification of Burger to provide

data objects in text, such as the data objects of Minborg, to the method of Burger so that a user terminal can use an alternative packet data network during a communication event.

Regarding claim 7, the method according to claim 1, characterized in that Burger does not disclose the step of the network providing data object retrieval comprises the steps of: requesting a phone page number service to determine a phone page web server; requesting a data object of the phone page web server; and providing the data object received from the phone page web server to the subscriber in question.

Minborg discloses a method of providing data objects (i.e. phonepages) to user communication applications or terminals (i.e. devices; Fig. 1: 100, 150; col. 5, lines 17-23) of subscribers in connection with subscribers (i.e. A-party; col. 5, lines 61-66) establishing communication events with other subscribers (i.e. B-party; col. 5, line 61 – col.6, line 4), in a network (Fig. 1; col. 4, line 57 – col. 5, line 17) comprising both subscribers (i.e. A-party caller or B-party) with autonomous type user communication applications or terminals (i.e. mobile station; Fig. 1, 100; class A mobile station) that comprise functionality for client based retrieval of data objects (col. 9, lines 17-30; col. 9, line 42 – col. 10, line 10; col. 19, lines 16-38) and also subscribers (i.e. A-party user or B-party user) with network type user communication applications or terminals (i.e. POT telephone (Fig. 1, 150); class B type mobile station) that rely on functionality in the network to provide for retrieval of data objects (col. 9, lines 31-41; col. 18, line 41 – col. 19, line 15), characterized in that the method comprises the following steps:

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associating a type of user communication application or terminal (i.e. class A telephone or class B telephone) with at least one subscriber (i.e. A-party caller or B-party user) of the network (col. 9, lines 17-41; col. 9, line 42 – col. 10, line 10; ; col. 18, line 41 – col. 19, line 38);

determining an occurrence of a triggering event (i.e. incoming call) indicating a communication event between two subscribers (i.e. A-party caller and B-party user) (col. 5, lines 61-66; col. 6, line 65 - col. 7, line 3);

upon determination of a triggering event (i.e. connecting to a data object server; Fig. 1, 130), the network providing data object retrieval only to the subscribers with autonomous type user communication applications or terminals (i.e. class A mobile station; Fig. 1, 100) (col. 5, line 61 – col. 6, line 10; col. 6, line 65 – col. 7, line 30; col. 9, lines 16-38).

Minborg further discloses the network providing data object retrieval comprises the steps of:

requesting a phone page number service (i.e. PNS) to determine a phone page web server (i.e. PWS);

requesting a data object (i.e. phonepage) of the phone page web server; and

providing the data object received from the phone page web server to the subscriber in question (i.e. A-party caller) (col. 9, line 44 – col. 10, line 10).

Again, Burger discloses the claimed method except Burger does not disclose a phone page number service and a phone page web server. However, the claimed a phone page number service and a phone page web server was old and well known in the art. Minborg clearly teaches such concept.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Burger to include a phone page number service and a phone page web server as taught by Minborg. In other words, one of ordinary skill in the art would have been lead to make such a modification of Burger to provide a phone page number service and a phone page web server, such as a phone page number service and a phone page web server of Minborg, to the method of Burger so that a caller can request and retrieve a phonepage of a called party.

12. Claim 11 is rejected under 35 U.S.C. 103(a) as being obvious over Burger, as applied to claim 9 above, and in further view of Minborg.

Regarding claim 11, the filtering server of claim 9, wherein Burger discloses said communication network (Fig. 2) comprises a telecommunications network (i.e. PSTN; Fig. 2, 22), and wherein said filtering server (i.e. ESP; Fig. 2, 60) is arranged to:
determine the occurrence of a triggering event (i.e. caller places a call to a subscriber by dialing a public telephone number) indicating a communication event (i.e. call) between two subscribers (Fig. 2: 86, 82; i.e. subscriber and caller) by intercepting call set-up control for bearer channels between a caller (Fig. 2, 82) and a callee (i.e. subscriber; Fig. 2, 86) (col. 4, lines 24-27; col. 7, lines 4-6 and 50-55; col. 11, lines 1-6);
associate the type of user communication application or terminal with subscribers of the network by determining the callee (i.e. subscriber or called party) and whether the callee is a subscriber of the telecommunications network (col. 7, line 4 – col. 8, line 10; col. 9, lines 50-67),
determining a callee profile (i.e. subscriber using a telephone) if the callee is a subscriber of the

telecommunications network (col. 7, line 20 - col. 7, line 60; col. 9, lines 50-67), and determining a caller (i.e. caller) (col. 12, lines 13-22); and upon determination of the triggering event, to provide data object retrieval only to the subscribers (Fig. 2: 82) with network type user communication applications or terminals (i.e. telephone) by:

arranging for a callee data object (i.e. setting up a connection to hear a message being recorded by the caller) to be made available to caller (col. 7, line 44 - col. 8, line 26; col. 10, lines 1-29); allowing the caller to arrange for retrieval of the callee data object (i.e. setting up a connection to hear a message being recorded by the caller) (col. 8, lines 4-26);

arranging for a caller data object (i.e. audio message to leave a message for subscriber) to be made available to the callee if the callee is a subscriber of the telecommunications network (col. 7, line 44 - col. 8, line 26; col. 10, lines 1-29); and

allowing the callee to arrange for retrieval of the caller data object if the callee is a subscriber of the telecommunications network and if the callee profile indicates callee retrieval of caller data object (col. 7, line 44 - col. 8, line 26; col. 9, lines 50-67; col. 10, lines 1-29).

Burger does not disclose a caller profile.

Minborg discloses a filtering server (i.e. data object server; Fig. 1, 130; col. 5, line 53 - col. 6, line 10; col. 6, line 58 - col. 7, line 30) of a communication network (Fig. 1) arranged to provide data objects (i.e. phonepages) to user communication applications or terminals (i.e. devices; Fig. 1: 100, 150; col. 5, lines 17-23) of subscribers in connection with subscribers (i.e. A-party; col. 5, lines 61-66) establishing communication events with other subscribers (i.e. B-party; col. 5, line 61 - col. 6, line 4), in a network (Fig. 1; col. 4, line 57 - col. 5, line 17), the

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communication network comprising both subscribers (i.e. A-party caller or B-party) with autonomous type user communication applications or terminals (i.e. mobile station; Fig. 1, 100; class A mobile station) that comprise functionality for client based retrieval of data objects (col. 9, lines 17-30; col. 9, line 42 – col. 10, line 10; col. 19, lines 16-38) and also subscribers (i.e. A-party user or B-party user) with network type user communication applications or terminals (i.e. POT telephone (Fig. 1, 150); class B type mobile station) that rely on functionality in the network to provide for retrieval of data objects (col. 9, lines 31-41; col. 18, line 41 – col. 19, line 15), characterized in that the filtering server is arranged to:

associating a type of user communication application or terminal (i.e. class A telephone or class B telephone) with at least one subscriber (i.e. A-party caller or B-party user) of the network (col. 9, lines 17-41; col. 9, line 42 – col. 10, line 10; ; col. 18, line 41 – col. 19, line 38);

determining an occurrence of a triggering event (i.e. incoming call) indicating a communication event between two subscribers (i.e. A-party caller and B-party user) (col. 5, lines 61-66; col. 6, line 65 - col. 7, line 3);

upon determination of a triggering event (i.e. connecting to a data object server; Fig. 1, 130), the network providing data object retrieval only to the subscribers with autonomous type user communication applications or terminals (i.e. class A mobile station; Fig. 1, 100) (col. 5, line 61 – col. 6, line 10; col. 6, line 65 – col. 7, line 30; col. 9, lines 16-38).

Minborg further discloses said communication network (Fig. 1) comprises a telecommunications network (i.e. PSTN; Fig. 1, 140), and wherein said filtering server (i.e. data object server) is arranged to:

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determine the occurrence of a triggering event (i.e. incoming call) indicating a communication event (i.e. call) between two subscribers (Fig. 1: 100 (A-party caller), 150 (B-party user)) by intercepting call set-up control for bearer channels between a caller (Fig. 1, 100) and a callee (Fig. 1, 150) (col. 9, lines 16-43);

associate the type of user communication application or terminal (i.e. class A mobile station or class B device) with subscribers (i.e. A-party caller or B-party user) of the network by determining the callee (i.e. B-party user) and whether the callee is a subscriber of the telecommunications network (col. 19, lines 16-24), determining a callee profile (i.e. capability of B-party's device) if the callee is a subscriber of the telecommunications network (col. 6, line 58 – col. 7, line 30), and determining a caller (i.e. A-party caller) and a caller profile (i.e. capability of A-party's mobile station) (col. 19, lines 16-38); and

upon determination of the triggering event, to provide data object retrieval only to the subscribers with autonomous type user communication applications or terminals by:

arranging for a callee data object (i.e. B-party user's phonepage) to be made available to caller if the caller profile indicates filtering server retrieval of the callee data object (col. 6, line 58 – col. 9, line 16);

allowing the caller to arrange for retrieval of the callee data object if the caller profile indicates caller retrieval of callee data object (col. 6, line 58 – col. 7, line 30);

arranging for a caller data object (i.e. A-party caller's phonepage) to be made available to the callee if the callee is a subscriber of the telecommunications network and if the caller profile indicates filtering server retrieval of caller data object (col. 19, lines 16-38); and

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allowing the callee to arrange for retrieval of the caller data object if the callee is a subscriber of the telecommunications network and if the callee profile indicates callee retrieval of caller data object (col. 19, lines 16-38).

Again, Burger discloses the claimed filtering server except Burger does not disclose a caller profile. However, the claimed caller profile was old and well known in the art. Minborg clearly teaches such concept.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the filtering server of Burger to include caller profile as taught by Minborg. In other words, one of ordinary skill in the art would have been lead to make such a modification of Burger to provide a caller profile, such as caller profile of Minborg, to the filtering server of Burger so that a caller can indicate preferences related to retrieval of a callee data object.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.

14. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LISA HASHEM whose telephone number is (571)272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Lisa Hashem/
Examiner, Art Unit 2614
November 23, 2008